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Azerbaijan, notably the case of Ramil Safarov

Greens/EFA motion for a resolution

The European Parliament,

- having regard to its previous resolutions on Azerbaijan with regard, in particular, to the one of 24 May 2011,
 - having regard to the joint Statement by the EU High Representative Catherine Ashton and Commissioner Füle of 4 September 2012,
 - having regard to the statement of the Secretary General of the Council of Europe Thornbjorn Jagland of 4 September 2012
 - having regard to the Partnership and Cooperation Agreement between the EC and Azerbaijan which entered into force in 1999 and to the ongoing negotiations between the two parties of a new association agreement to replace the previous one,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas on 31 August 2012 Ramil Safarov, a lieutenant of the Azerbaijani armed forces who was convicted for murder and sentenced to life imprisonment in Hungary, was transferred to Azerbaijan,
- B. whereas Ramil Safarov had been jailed in an Hungarian penal facility since 2004 after brutally killing an Armenian colleague during a course sponsored by NATO Partnership for Peace Programme in Budapest; whereas Safarov pleaded guilty and expressed no remorse defending his action on the ground that the victim was Armenian,
- C. whereas Lieutenant Safarov had been declared a national hero in Azerbaijan and a few hours after his return was granted a presidential pardon, set free and in a public ceremony promoted to major,
- D. whereas the announcement of the transfer was accompanied by a clarification of the Hungarian authorities stating that the extradition to Azerbaijan was approved in accordance with the terms of the 1983 European Convention of the Transfer of Sentenced Persons, to which Azerbaijan is party,

E. whereas Hungarian officials affirmed that they had received diplomatic assurances from Azerbaijani government that once returned to his home country Safarov would continue his prison term in an Azerbaijani penitentiary and not freed until having served at least 25 years; whereas Azerbaijani authorities denied having given any diplomatic assurances to the Hungarian authorities,

F. whereas the decision to set Safarov free triggered widespread international reactions of disapproval and condemnation,

G. whereas after the extradition of Safarov Armenia suspended diplomatic relations with Hungary,

H. whereas Safarov release risks to escalate the crisis between Azerbaijan and Armenia while incidents around the line of contact in Nagorno Karabakh are becoming more frequent and worrying,

I. whereas Azerbaijan is actively participating in the European Neighbourhood Policy and the Eastern Partnership, is a founding member of Euronest and is committed to respecting democracy, human rights and the rule of law that are core values of these initiatives,

J. whereas Azerbaijan has taken up a non-permanent seat in the United Nations Security Council (UNSC) for the period of 2012 - 2013, and has committed to uphold the values as expressed in UN human rights charter and the Universal Declaration of Human Rights,

K. whereas Azerbaijan is a member of the Council of Europe and a party to the European Convention on Human Rights (ECHR) as well as a number of other international human rights treaties, including the International Covenant on Civil and Political Rights;

L. whereas the European Union is engaged in the negotiations of new association agreements with both Azerbaijan and Armenia;

1. Deplores the decision to grant presidential pardon to Ramil Safarov, who committed an appalling ethic crime, and to honour him as a national hero for what he did;

2. Stresses that such an act further contributes to escalate the crisis between Azerbaijan and Armenia straining tension and deepening the divide between two countries that must learn to settle peacefully bilateral controversies in the framework of international law and to develop good neighbourly relations;

3. Takes the view that the legitimate frustration in Azerbaijan about the lack of any substantial progress as regards the peace process in Nagorno Karabakh does not justify neither acts of revenge nor futile provocations that add tension to an already tense and fragile situation;

4. Considers the presidential pardon granted to Safarov a violation of the diplomatic assurances given to the Hungarian authorities in the Azerbaijani request of transfer based on the European Convention on the Transfer of Sentenced Persons;

5. Urges the Hungarian authorities to take official and formal diplomatic steps towards the Azerbaijani counterpart calling on it to fully respect the assurances given and to report why Azerbaijan broke the assurances given;

6. Calls on the Hungarian authorities to ask officially for information on enforcement under Article 15(c) of the Convention and inform the European Committee on Crime Problems under Article 23 of this

Convention;

7. Express its deep concern at the recurrent incidents breaching the ceasefire around the line of contact in the Occupied Territories surrounding Nagorno Karabakh and calls on the parties to show restraint and comply with all the agreements;

8. Calls on the Presidency of the OSCE Minsk Group to make all efforts so as to bring substantially forward the peace process in Nagorno Karabakh with a view to finding a lasting comprehensive settlement in the framework of international law and urges the HR/VP to take an active part in it;

9. Instructs its President to forward this resolution to the EEAS, European Council, European Commission, the governments and parliaments of the Republic of Azerbaijan and of the Republic of Armenia, the Council of Europe, the OSCE and the UN Rapporteur on Human Rights.

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